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UNCLAS ANKARA 000939

SIPDIS

USTR FOR LERRION/BPECK
USEU FOR CHRIS WILSON
USPTO FOR ELAINE WU
USDOC FOR ITA/MAC/DEFALCO

SENSITIVE

E.O. 12958: N/A

TAGS: [ETRD](#) [KIPR](#) [TU](#)

SUBJECT: TURKEY: DATA EXCLUSIVITY DEMARCHE TO MFA

REF: A. ANKARA 839, B. STATE 19340

SENSITIVE BUT UNCLASSIFIED.

[11.](#) (SBU) Following-up on our meetings with the Health Ministry and Foreign Trade Under Secretariat (ref A), DCM made ref B demarche to MFA Director General for the Americas Selhattin Alpar on February 18. The DCM highlighted the important role intellectual property issues have played in our bilateral relationship and welcomed the progress represented by new Turkish regulations protecting data exclusivity. Drawing on the points in ref B, the DCM noted the loopholes that undermined the effectiveness of the new regulation and the potential implications for, among other things, investment.

[12.](#) (SBU) Alpar offered no information in addition to that reported in ref A. He asked for U.S. understanding of the progress that Turkey has made in improving its intellectual property regime, as well as for the difficulties this had entailed. He said Turkey's goal was to have in place an IP regime that afforded the same protections as those in the U.S. and EU. He hoped that any deficiencies in current legislation would have a limited commercial impact and would, in time, be overcome and noted that foreign companies have access to Turkey's judicial system in the meantime. Alpar added that any shortcomings in regulations were not aimed at any particular foreign company, but reflected the "social, legal, and budgetary" difficulties inherent in the creation of a modern IP regime. He asked that the U.S. government encourage joint ventures between U.S. and Turkish pharmaceutical companies to facilitate, presumably, their adaptation to such a modern IP environment.

[13.](#) (SBU) Post Comment: The new data exclusivity regulations are the most progress we have seen in post's years of work on the data exclusivity issue. At the same time, we cannot hold out much hope that the remaining deficiencies regarding data protection will be corrected in the near term. We will, however, continue to advocate aggressively on this issue -- as we did in a separate February 18 meeting with the Foreign Trade Under Secretariat's DG for EU Affairs -- and will provide additional commentary for the Special 301 review.

EDELMAN